

# Ancestral Tradition, Social Control, and Sanctions in South Banten: '1001 Rules of the *Wiwitan Polity*'<sup>1</sup> (Part 1)

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## Abstract

Today, many ethnic groups in Indonesia are bound to traditional kinship and/or territorial systems (*adats*), which structure social groups and constitute operational traditional legal systems. Since pre-colonial Malayo-Polynesian legal traditions (*adats*) in Indonesia seem to have certain elements in common, we hope to demonstrate the continuity of such legal tradition by describing the working mechanism of such traditional social control structure among Baduy people (we prefer Baduy community) in South-Banten. Baduy refers to a Sundanese adat community with significant governance and jurisdiction rights over their ancestral domain. Until today, they maintain a megalithic sanctuary and an ancient legal tradition. Presenting the main mechanism of social control among the Baduy, we hope to extract and demonstrate the working mechanisms of a Malayu-Sumbawan (Sundanese) pre-colonial order of social control that is practiced without experiencing much external influence until today. Baduy social control is constructed on the principle that harmful behavior, whether of a religious, civil or a criminal nature in Western terms, has caused an imbalance to the cosmic and social order. Thus social control essentially aims at restoring peace and the offender/victim back to their place in social order. Thus, with regard to the exercise out of social control, we consider the Baduy as to provide us with a proto type of communal social life in a pre-colonial polity which may enable us to better understand the cultural mechanisms of contemporary *adats* in (one of) Indonesian communities.

## Keywords

Baduy, Traditional Social Control, Indonesia.

## 南バンテンにおける先祖の伝統、社会統制、制裁 ーウィウィタン政体の1001のルールー (1)

フェリー・ファトゥロフマン  
アレクサンドラ・ラントマン

### 要旨

インドネシアのエスニック・グループの多くは今日でも伝統的な血縁関係および/または地域の慣習法 (adats) と深く結びついている。慣習法 (adats) とは社会集団を形成し、運用可能な伝統的法体制を構成しているものである。インドネシアにおける植民地時代以前のマレー・ポリネシア人の法的伝統には共通の要素が存在するように思われる。南バンテンのパドゥイ人 (パドゥイ・コミュニティ) の伝統的な社会統制組織の作用メカニズムを説明することで、そのような法的伝統が現在まで受け継がれていることを示したい。パドゥイとは、先祖の領土に対し大きな支配力と司法権を持つスダニース・アダット・コミュニティのことである。パドゥイは今日まで、巨石の聖域と古代からの法的伝統を維持してきた。パドゥイ人の社会統制の主要メカニズムについて説明しながら、今日まで外部の影響をあまり受けることなく行われてきたマラユ・スம்பワン (スダニース) 人の植民地時代以前の作用メカニズムを明らかにしたいと思う。パドゥイ人の社会統制は、有害な行為、つまりヨーロッパの用語で宗教的、民事的、刑事的犯罪とされる行為が宇宙的秩序と社会的秩序にアンバランスを生じさせるという原則に基づいて構築されている。社会統制は本質的に平和を回復し、犯罪者/被害者が社会秩序のそれぞれの場所に戻ることを目的としている。したがって、社会統制の実践に関し、パドゥイ人は植民地時代以前の政治形態における集団内社会生活の原型を示しており、コミュニティにおける現代のアダットの文化的メカニズムについてさらなる理解を可能にするものであると思われる。

### キーワード

パドゥイ、伝統的な社会統制、インドネシア

## PART I

The present paper gives a comprehensive analysis of the traditional delict code of the "megalithic" Indonesian Baduy<sup>2</sup> group. Since for more than 200 years the group has attracted considerable scientific interest. One of the reasons why they have attracted attention is the fact that they have deliberately rejected cultural change or development as far as possible. The specific question we address is the structure and process of social control in this sub-ethnic group which has significant

governance rights and own jurisdiction over their ancestral domain that is protected by state law. In the first part of our paper, we shall introduce the Baduy as a possible prototype of Malayo-Sumbawan legal tradition, provide a short discussion of the term adat, and it will be followed by a general historical and ethnographic background of the social position of the Baduy within Indonesian society. In our forthcoming second part we provide a detailed description and analysis of the Baduy delict code. The conclusion shall offer the basic mechanism of Malayo-Polynesian and Malayo-

Sumbawan conflict management. In sum, Fathurokhman/Landmann's analysis of the Baduy social order and the Baduy adat delict code illuminates the basic patterns of coercive mechanisms of a Malayo-Sumbawan practice of social control which has been continuously exercised since pre-colonial times.

## I. Introduction

Pu'un Manten: "As Sundanese, we are only permitted to give but not to request. People who know how to ask for something are beggars." Suputra: "I am myself a Sundanese." Pu'un Manten: "I don't know, whether you are Sundanese, or not, is not my business. I can understand your language, but we [belong to] different parts, because we [were born] at different birthplaces. On our part here, we live limited by the ancestor's taboo rules. Your part [is] outside, you live freely and you can arbitrarily do whatever pleases you." (Suputra, Suria 1950)

Baduy constitutes a small upland indigenous traditional law community living in their 5000 ha wide sacrosanct "ancestral domain" (*tanah hak ulayat*)<sup>3</sup>. They are estimated to number about 11.000 people (Helmy 2010: 35). The Baduy are divided into two groups: the inner group (*kajeroan*) and the outer group (*panamping*). Both practice a slash and burn agriculture system, a subsistence economy, and operate a megalithic sanctuary. In national administrative rhetoric, the ancestral domain is referred to as Baduy village (*Desa Kanekes Baduy*) located at the lowest level of the Indonesian administrative hierarchy. In consequence, they are under dual governance and jurisdiction: the traditional governance and jurisdiction that orders all

aspects of socio-politico-legal life (*tangtu telu jaro tujuh*); and national administration and jurisdiction (*pamarentahan*).

Ethnically, they belong to the Sundanese group living in the western tip of Java; linguistically they speak an archaic Sundanese dialect. In the local perception, Baduy are in any case to be considered as older descent than the surrounding Sundanese. In 1822, the German biologist and medical employee in the Dutch Colonial Government, Carl Ludwig Blume, wrote the first European account on the Baduy. He noted: "They have a completely isolated political, social and religious system. All exterior cultural influence is checked, since they refuse to admit any form of education from outside and they observe a strict moral code"? (Termorshuizen 1998: 123). As result of their isolation, they are said to represent an example of ancient Sundanese culture.

Thus, we note that they do not form a tribe, but an ancient Sundanese sub-ethnic group organized into corporate descent groups (patrilineal clans with apical ancestors). However, following the Indigenous and Tribal Peoples Convention 1989 (ILO 169), they can be classified as tribal people, for several reasons such as 1. They occupy their "*Stammland*" (ancestral domain) since for at least 500 years, 2. Their socio-cultural and economic conditions distinguish them from Sundanese and Indonesians in general, 3. Their status is regulated wholly or partially by their customs or traditions or by special laws and regulations. Despite the Indonesian government's general position that all Indonesian people are equally indigenous, the Baduy<sup>4</sup> together with three other social groups are acknowledged as "indigenous". Recently, the state has categorised them as

"isolated ethnic group" (*komunitas adat terasing*) and made them target of social welfare programs. As the Baduy are not ignorant of modern civilization, in our view, this categorization is somewhat contestable. It seems to us that they deliberately reject modern civilization and isolate themselves from their external influence while performing a task thought to benefit the outside world. In our view, they seem to form a consecrated community than an isolated ethnic group by fulfilling the function to protect natural biodiversity within their ancestral domain, a function of which their environment is aware.

Despite the longstanding academic interest in the Baduy, their traditional delict code has hardly been investigated as a traditional system of substantive law<sup>5</sup>. The primary source for Baduy governance and judicature are ancestral provisions (*pikukuh karuhun*) said to be enforced without arbitrariness and despotism at least since the advent of Islam in the sixteenth century (Hisyam 2003: 172; Abdus Salam 1987). According to their view, they hand down those stern and austere provisions in their sacrosanct ancestral domain or *wiwitan polity*<sup>6</sup> since the beginning of humanity<sup>7</sup>. For instance, they are only allowed to have dry-rice fields (*huma*), whereas most farmers in Java grow their rice on irrigated fields (*sawah*), diverting the course of water for irrigational means and rearing buffalos, having fish ponds, growing cloves, having radios or high-pressure lamps, or wearing long trousers, are among other items of the long list of things forbidden to the Baduy. The inner group is forbidden to use electricity or modern products – including shoes, soap, mobile phones – and they refuse modern schooling, to mention only a few more

restrictions.

Because of their deliberate resilience against processes of social acculturation or assimilation to modernity, the Baduy are said to represent a "megalithic" example of Sundanese culture. Today, their traditional lifestyle becomes increasingly subject to modern influences, as the newly formed Bantenese province implemented a regulation in 2003 to develop *tanah hak ulayat* Baduy as tourist attraction. The regulation remains not without problems, as the touristic opening up of the ancestral domain and the concomitant increasing introduction of the modern monetary economy is accompanied not only by socio-cultural challenges but also by a recent renaissance of public, scholarly, and journalistic interest in the Baduy way of life.

In sum, despite the small number of the group, they constitute an interesting case-study because 1.) their origin remains unknown; 2.) they still adhere to a megalithic lifestyle isolated from modern influences; 3.) they form a consecrated community with an anti-violence attitude; 4.) they are one among only four Indonesian sub-ethnic groups (out of 101, census 2000) acknowledged as indigenous by the Indonesian state, and 5.) they reinforce bonds with the lowland rulers since pre-Islamic times and 6.) they became subject to tourism only recently.

### **Baduy: A Prototype of Malayo-Sumbawan legal traditions?**

Based on Landmann's recent field work in Bali, Banten, and Central Kalimantan, Landmann assumes that Malayo-Sumbawan (Adelaar, 2005) local legal systems (*adats*<sup>8</sup>) have their

foundation in ancestral practices and were products of a longstanding tradition of (Western) Malayo-Polynesian plural cultures. The Indo Melanesian Bornean groups in Central and North Borneo and Sulawesi have a different history of immigration than the Indo-Melanesian Malayo-Sumbawan groups. They likewise differ with respect to language from the Malayo-Sumbawan groups in the central western part of the Archipelago. With reference to headhunting, retaliation, and feuding, Landmann assumes the Bornean group to share practices with Malayo-Polynesian settlers in the Philippines<sup>9</sup>, which are distinct from the social control practices of the Malayo-Sumbawan groups that share less violent mechanism and show more avoidance practices and conciliatory/therapeutic styles of social control.

For analytical ease, Landmann classifies communal (Hooker 1978; Black 1998) tribal cultures as spiritual, because they nurture a supernatural or 'transcendental dimension' (Hadley, 2006: 177) and focus on the primacy of society over the self. Social control of communal groups emphasises the promotion of group cohesion and serves to reinforce the ties among group members. In the structure of a communal group, all group members know each other, so that interaction occurs within the same interlocking network of constant and a close face to face relationships. Thereby a normative consensus is built up and strong pressure can be exerted by traditional authority and the community to conform to group norms. (Horwitz 1984) Supported by linguistic and archaeological evidence<sup>10</sup>, Landmann assumes that some analytical elements those pre-colonial Western Malayo-Polynesian (especially Malayo-Sumbawan) legal traditions had in common

have been conciliatory and therapeutic styles of social control in informal settings (Horwitz 1984).

In the western part of the pre-colonial Indonesian Archipelago, locally defined Malayo-Sumbawan politico-legal orders were legitimated by practices of ancestral veneration. Those politico-legal orders acculturated with the traditions of Indian, Sinic, or Islamic legal thought. In this, Landmann assumes both the legal plurality of local jural communities and the indigenous seed of legal pluralism to have coexisted during pre-colonial times. In this context, it seems that the Indianized or Islamic court elites "(...) were, to a large degree, legally divorced from the populations amongst whom they existed" (Hooker 1978: 9), because court tribunals and village tribunals each has a distinctive domain of jurisdiction. (Tambiah: 1976) As archipelagic traditions were regarded as the origin of tradition by the Hindu-Buddhist or Islamic court elites, local identity continued to emerge out of the local jural communities bound by local collegial-consensus legal orders followed in specific villages or groups of villages. In consequence, local communities and early polities had already established both plural systems of socio-politico-legal orders (termed *adat* during colonialism) and a dual legal order with distinctive spheres of jurisdiction: The hierarchical system of the central court in which the sovereign had a certain jurisdiction, whereas the pluriform collegial-consensus legal orders at the villages also had a specific sphere of jurisdiction limited to the domain or territory of the village. In our context, Hoadley (2002, 10) points to a general collegial system in the western part of Java.

In conclusion, the selection of the specific case of the Baduy enables us to look at 1.) such a pre-colonial legal tradition which survives up to the present and 2.) its development under the condition of legal pluralism in Indonesia. In Landmann's view, the Baduy ancestral domain can to a certain extent provide us a proto-type of communal social life in a pre-colonial Malayo-Sumbawan (Sundanese) polity and the ways in which social order was and is upheld<sup>11</sup>. This may enable us to better understand the cultural mechanisms of contemporary adats in other Indonesian communities and the cultural trajectory of legal plurality and legal pluralism in Indonesia.

## II. A note on Adats: The Rule of Law Versus The Order of Custom<sup>12</sup>

Since those plural systems of socio-politico-legal orders entail detailed provisions and sanctions invented by specific ancestors, colonial legal experts borrowed the Arabic or Malay term *adat* (habit, custom) and invented the term *adat law* (*adatrecht*, *adatwet*) to denote the traditional legal orders they encountered in the local jural communities in the Netherlands-Indies. The right for those so-called *adat* communities to perpetuate their own administrative rights and jurisdiction over their domains was established between 1906 and 1938 and is continued by national legislation until today.

In our view, the colonial construct of *adat law* is inadequately to express the complexity that characterizes those socio-politico-legal orders (*adats*, Hooker 1978), when perceived from a local perspective. Wessing argues that "there is more to *adat* than traditional behavioural forms which may or may not have

legal implications". (Wessing 1977: 295) Likewise, Hooker (1978: 50) criticizes that the "apparently simple usage [of the term *adat*, FF/AL] tends to obscure the complex nature of the term". The term bears a variety of references: "law, rule, precept, morality, usage, custom, agreements, conventions, principles, the act of conforming to the usages of society, decent behaviour, ceremonial, the practice of magic, sorcery, ritual." (Hooker, 1978: 50) Crucial to a comprehensive understanding of *adat*, is "the idea of proper behaviour in one's relations both with other people and with natural phenomena". (Hooker 1978: 50) We follow Hooker's definition of *adat*:

*Adat* comprises the forms of all social institutions, and the behaviour expected of the individual in terms of these institutions. *Adat* refers to the regulations and directives which are specific according to time, place and circumstance and bind the individual or group. (Hooker 1978: 52)

As *adat* systems and *adat* sanctions are perceived to involve an 'uncontrollable' non-empiric (Hooker 1978) dimension (that of the divine, the ancestors, and spirits of nature), *adat* is actually more than a set of rules. *Adat law* denotes a comprehensive way of life pertaining to interactions and relations between four domains: 1. the transcendent dimension of the divine, 2. the dimension of humans, 3. the dimension of a non-empirical world and non-empirical creatures, and finally 4. the dimension of nature. (cf. Ulumi 2010) Hooker's (1978) non-empirical and empirical commodities are termed concrete and abstract forces by Wessing (1977). *Adat* aims at balancing those four domains of life and perpetuates norms, values and social

and political structures. In consequence, a socio-cultural community is defined by its distinctive adat tradition, which aims to balance those four domains of life. If the given balance is disturbed by human rule violation or *force majeure*, adat provides the precepts on how to restore the balance between all four domains by specific adat reactions (therapy, reconciliation, recompensation, mediation, sanction; cf. Black 1998). Only as result of colonial and modern administrative purposes, the term adat law (*hukum adat*) emerged, whereas adats (Hooker 1978) denote plural sets of rules by which life on earth is preserved in harmony with the cosmic design of all four dimensions.

Landmann assumes the terminology and differentiation between penal or public law and private law along European concepts to be unknown in archipelagic cultures. Pre-colonial or local forms of social control are clearly rooted in those adat systems, even if not necessarily only in those aspects that were termed adat law by legal experts later on. Fathurokhman/Landmann differentiate between custom in general (*adat-istiadat*), adat law (*hukum adat*), customary law (*hukum kebiasaan*), habitual behavior (*adat kebiasaan*) and law (*hukum*). Similarly, Black (1998: xxiv) introduces a distinction between governmental and non-governmental social control. He identifies law as a governmental social control mechanism, which forms only a comparatively small part of social control. Non-governmental social control has often been called "customary law" or "unwritten law", though a number of other labels are sometimes preferred, including "folk law", "people's law", unofficial law" and "indigenous law".

Fathurokhman and Landmann also differentiate between adat law (*hukum adat*) and customary law (*hukum kebiasaan*) as we perceive adat law to be a specific type of customary law. However, it cannot be reduced to being a subset of customary law as it contains elements that are not based on customs, for instance, village regulations, verdicts from historic rulers and kingdoms, and inputs from religious traditions (Hindu-Buddhist prescriptions and *fiqh* regulations) (Hooker 1978; Hoadley 2002). While being rooted in customary law, adat law differs from it to a certain extent, since adat legal provisions originate in and are based on a social institution legitimized by a traditional or religious authority 'licensed' to impose sanctions. We use the term adat law to classify the predominantly oral and non statutory systems of social control in which a traditionally legitimated institution applies coercive force (sanctions). Contrary to this, the term custom in general (*adat-istiadat*) denotes custom as a system of social control, which is not backed up by the coercive force of a traditionally legitimated institution.

The colonial legal experts invented the term "unwritten penal code" (*ongeschreven strafrecht*) to denote policing and coercive elements in adat. Generally, coercive social control is backed by an authority (sovereign/state/tradition), which legitimizes the meting out of violent sanctions. As the terminology and differentiation between public and civil law along European concepts is unknown in archipelagic cultures, we apply the term adat delict code to describe the normative frame where institutions or groups defined by adat apply mechanisms of coercive social control. Thus, customary law stresses the repetition of

customs to the effect that they become law, whereas adat law – despite there are elements of custom entailed in it – originates and bases on a social institution which has the authority to implement it as a law. Therefore, we differentiate between non-governmental social control, or customary law (and adat law as a type of customary law), which has coercive elements, and the legal system established by a state on two reasons: the source of sanctions and its implementation. With regard to custom, sanctioning actors are members of the community, both individually and in groups. In law, the source of sanctions and its implementation are the central power, a nation state or specialized units in the community, e.g. courts. Consequently, traditional forms of violent social control are rooted in the institution of adat.

Each social group, which has established a social order, has likewise established culturally legitimated interpretation patterns of what is perceived to be right and what is perceived to be wrong. Thus every social order is likely to have established a specific mechanism of coercive social control. Coercive social control is backed by an authority (sovereign/state/tradition), which legitimizes the meting out of violent sanctions and it is therefore moralistic. Modern Criminal Law is enforced by the sovereign (state). Fathurokhman defines modern Criminal Law as the body of rules that:

1. define course of actions prohibited by the sovereign, because it is held to endanger safety and welfare of the social group (the public),
2. set out the rules for the sanctions to be imposed on those who violate the rules,
3. determine the procedural law to impose

and enforce those sanctions.

Fathurokhman/Landmann found that the plural archipelagic adat law systems and therefore also the Baduy adat community follow a traditional delict code constituted by:

1. The body of rules that define deviant behavior,
2. Criminal procedural law and
3. Law enforcement mechanisms.

One of the core meanings of traditional legal doctrine involves the “element of obligation” (Hooker 1978). Remember, adat systems perpetuate typical hierarchical arrangements, which describe the proper relationships among the four domains of adat; between humans and 1. the transcendent non-empiric dimension of the divine and the ancestors; 2. fellow humans; 3. a non-empirical world and non-empirical creatures (as spirits of nature); and finally, 4. nature. Consequently, every adat delict constitutes a violation of proper relationships between humans and their human and empiric and non-empiric environment.

The adat offense – all acts that infringe or violate adat law provisions – denotes a unilateral disturbance (Hooker 1978; Black 1996) of either a cosmic order, which is imagined to be in perfect harmony and reflected in social and political structure, or a collision with both empiric and non empiric existential commodities of individuals or a group, which forms a social unit. The primary victim is the one who is most impacted by the rule violation and secondary victims are all others impacted, as family, clan, kinship group, community. A rule violator has a twofold obligation: the inner



obligation to perform a ritual to restore peace in the non-empiric realm; and the physical obligation to be empirically sanctioned for rule violation to restore public peace. As the human is the central agency to restore the previous balance, Landmann assumes the conception of adat to be anthropocentric. In conclusion, the aim of adat systems is first, to restore cosmic and thereby social order and second, to restore the offender in his or her place within that specific social order. "[T]he idea of sovereignty is not formulated in terms of exclusive adherence; the idea is replaced by a conception of the real world as one in which man and nature are indistinguishable parts of a unitary world". (Hooker 1978: 55).

Baduy system of adat legal doctrine includes a delict code that envisages an offender being cleaned spiritually and physically in order to restore balance in the entire Kanekes community and thereby perpetuate the existing political and social order. Baduy legal order is essentially spiritual and the transcendent element of the ancestors and the Divine is expressed in every dimension of law. Contemporary Baduy delict code may be seen as a modern reflection of an ancient Malayo-Sumbawan social system which incorporates social change by integrating it into adat, by making new adat rules in *musyawarah*, (consensual-collegial decision making) and by recollecting tradition and custom on base of the personal experience and capabilities of the chosen leadership ranks.

### III. Historical and Ethnographic Background

#### *History of the Baduy*

Baduy were left largely untouched by pre-

colonial, colonial, and national governments. They are a Malayo-Sumbawan group that most successfully stuck to their ancestral tradition. This unbroken continuity of their tradition may be attributed to following facts 1.) their secluded lifestyle posed no threat to the lowland rulers; 2.) the relative inaccessibility of their settlement area; and 3.) both the Dutch colonial government and the Indonesian government have by and large adopted a hands off policy towards the Baduy (Wessing, 1977: 295; Hisyam, 2003: 155). The Baduy tell an outstanding story about close connection to nature, common sense, and devotion to an unbroken line of ancestral tradition.

The western part of Java has been inhabited since the Neolithic period. In the 4<sup>th</sup> century, there is proof of the Tarumanagara polity ruled by king Purnavarman. As elsewhere in the archipelago, court culture seemed to be influenced by elements of Hindu tradition, whereas the population continued to perform old archipelagic shamanistic rites and practices belonging to the archipelagic religious tradition. From the 7<sup>th</sup> to 10<sup>th</sup> century, there is no evidence for an established overlordship among the scattered villages in the western part of Java. The last Hindu kingdom of West Java, Padjadjaran (1333-1579), covered at its height most of the western tip of Java, including Banten, and probably Cirebon and some areas to the east of it, even if these areas had already been Islamized.

In 1579, Padjadjaran fell to Islamic forces of Banten. Thus the political and ideological shift in the 16<sup>th</sup> century led to a reconfiguration of religious and cultural traditions, but historic witnesses tell us of villages that had probably

rejected both Indianization and Islamization and continued their ancient Sundanese lifestyle. Those villages in West Java most likely assimilated the Islamic elements with their shamanistic religion and worldview and continued to propitiate their ancestral spirits as they had practiced ancestral cults ever before. (Wessing 1993; Termorshuizen 1998: 128)

There exists two general 'refugee theories' on the origin of the Baduy group, both with certain variations in content. Despite their difference with respect to the origin of the group, both theories converge on the Islamization as a trigger for the group's retreat to the mountains. Those refugee theories are all fervently negated by the Baduy themselves. (Kurnia 2010) A third alternative theory (Judistira Garna, 1988: 34 in van Zanten, 1995: 517; Hisyam, 2003; Ulumi, 2010) argues that the Baduy were probably already living in the area of the ancestral domain well before the Padjadjaran kingdom. According to this theory, the Baduy are a local people having been there long before the spread of Islam, sticking to their tradition. This would fit with the preponderant view that the Baduy actually comprise the oldest Sundanese group. However, none of the three theories can be finally proven by historical data.

In their historical narrative, the Baduy remember 33 'Rulers and the Leaders of the North' (Kurnia, 2010: 85-91). The list begins with their envoy Sabakingking, who were tasked by them to clear the forest in the northern plains and after conducting a ritual for the safety and prosperity of a future settlement to found a city (*dayeuh*) there. This nuclear center developed into the area that is

named Banten today. From the founding of the Banten settlement, to the Islamic State of Banten Sultanate (1500-1800), to Dutch colonisation (1800-1945), and now under the Indonesian administration (1945-2011), they report annually during the seba ritual to the lowland sovereign leader respected by them as being entrusted to rule the lowlands. The Baduy consider those lowland sovereign leaders to be their younger brethren as justified by their own historical record. As there is no longer a king or sultan of Banten, and no colonial regent of Serang, today the governor of Banten, the Indonesian Minister of Internal Affairs, and even the Indonesian President are regarded as the 'younger brethren' of the Baduy<sup>13</sup>.

During each annual Seba ritual, the official visit to the pre-colonial, colonial or national lowland authorities (*bapak gede*), in which mutual bonds of recognition between the traditional authorities and lowland authorities are enforced, the Baduy ask for five crucial special rights: 1.) their acceptance as (indigenous) group, 2.) for protection through the leaders of the north, 3.) that there will be no mosque, 4.) no formal schooling and 5.) no irrigated rice fields in the ancestral domain. These have been agreed about in the pre-colonial oral contract between them and Bantenese Sultans, which prevented them from being Islamised. During the visit, the adat leaders and traditional figures bring harvest and crop of gardening (Durian, banana, palm sugar) and agriculture (rice) as tribute and to express the loyalty of the Baduy community to the changing political rule. This is an example of a most interesting successful diplomacy ever reached by an isolated sub-ethnic group in Indonesia. The very peculiar self-perceived

**WELCOME TO KANEKES-BADUY VILLAGES AND THANK YOU FOR YOUR VISIT!, PLEASE READ THE FOLLOWING RULES AND REGULATIONS FOR VISITORS TO KANEKES-BADUY VILLAGES**

1. All visitors must register themselves to the villages representative office at Babakan Kaduketug village by filling up the visitors registration book.
2. Non-Indonesians without any exceptions are not permitted to enter the area of the inner Baduy villages (Cibeo, Cikeusik, Cikartawana).
3. The forbidden forest is closed for all visitors (Indonesians or Non-Indonesians, without any exception).
4. Show respect and appreciation to the Baduy people norms and customs.
5. Not to carry or tune on radios, tape/cassette recorder and similar
6. Not to carry or play musical instruments such as guitar or drums
7. Not to carry tools or weapons for hunting purposes such as air gun, similar weapons and arrow
8. Not to catch or kill animals unless you are attacked *and it poses at threat to your life* (for example poisonous snakes or scorpion)
9. Not to drop litters especially those made from plastic, tin and any other non-disposable materials *along the way* and not to throw rubbish in the river.
10. Not to dispose of any burning cigarette
11. Not to leave burning fire used for cooking or camping behind
12. Not to cut any tree *except dead wood for firewood*
13. Not to destroy or unearth plants during trekking
14. Not to carry or drink alcoholic and other similar beverages
15. Not to carry or consume drugs/narcotics
16. Not to perform any obscene and unethical behavior or act
17. Not to use soap of any kind and tooth paste when taking a bath in the river within the area of the three inner Baduy villages
18. In case you want to perform religious teaching or ritual do them without disturbing other people
19. When visiting the area of the three inner Baduy villages all visitors, without any exception, are not permitted to:
  - a. take picture/photograph of people, houses or any other objects
  - b. to make videos or movies recording
  - c. to make any voice recording
20. During the "Kawalu" month determined according to the Baduy Calendar, for three month the inner Baduy villages are closed for visitors.

Enjoy your visit!

Dainah  
Jaro/Chief of the office

Ukang Sukarna  
Secretary

*Italics* = contained in the Indonesian regulation, but omitted in the English translation

Figure 1: Rules for Visitors

role of the Baduy is illustrated further by the fact that even today, in democratic Indonesia, the inner Baduy community does not vote for the Indonesian president, or for the regional government. According to them, they refuse to vote, because they were tasked to be loyal to the incumbent rulers. Thus their representatives officially visit the lowland national authorities yearly, no matter what their political or religious orientation may be, by walking barefoot to the lowland cities in order to share harvest, inform them of the upcoming natural disasters, remind them to protect nature and human beings and advise them on how to rule the province or the country in a wise and responsible manner.

In sum, as the Baduy social organization and

religion differ from those of the surrounding Islamic Sundanese, the Baduy are most likely a community which did neither experience large scale Hinduization nor Islamization, as they adhere to their own ancestor veneration based on faith system (*sunda wiwitan*) until today. Despite the above described disagreement on the origin of the group, it can be argued that the Baduy have been living in their current ancestral domain at least since the coming of Islam, and they were able to preserve their Sundanese ancestral religion of origin (*Sunda wiwitan*) (Hisyam 2003: 172). The idea, that the domain has been settled since prehistoric times, is supported by linguistic, historic and archaeological records. Their sanctuary seems to belong to a pre-Hindu-Buddhist architectural tradition, which structures "(...) may reflect

some form of shared early Austronesian architectural and artistic inheritance"<sup>14</sup>. (Bellwood, 1985: 300) Another interesting fact is that according to the *pananggalan*, the Baduy Calender, the Baduy live in the year 2072. (Kurnia 2010: 162–168) Poetically, the Baduy oral traditions continue to live on, whereas the literate Hindu kingdoms and Sultanates in the western and northwestern part of Java are now a chapter in history textbooks.

### ***Tanah Ulayat—the Baduy ancestral domain***

The Baduy ancestral domain (*tanah hak ulayat*) is a 5000 ha remote hilly forest zone, located in the glades of Mt. Kendeng in the district of Lebak in the Southern part of the Indonesian province Banten<sup>15</sup> at the western tip of Java. The domain is located between 800 m and 1200 m above the ocean surface on an elevated plain between mountains, sources of rivers and river valleys which run towards the northern lowlands. With gradual differences, the entire ancestral domain is considered to be sacred ground by the Baduy. We speak of the Baduy Village, if we refer to the entire administrative village, that is the ancestral domain, but since the village is split into a few smaller units, we refer to hamlets, if we speak of the smaller settlement units within the village (*tangtu*, *kampong*, *dangka*).

The Baduy people have been given unique privileges from the current and former Indonesian governments, and even from pre-colonial polities, to uphold their ancestral traditional and jurisdiction in their ancestral domain. In the 1950s, it was reported that their forbidden woods within the core area have been illegally occupied with the purpose of opening up fields for agriculture by non-Baduy

settlers encompassing the ancestral domain. In the 1980s, the Baduy were under a severe pressure by those settlers who encroached on Baduy ground and, by practicing wet-rice cultivation, they also threatened their tradition. The Baduy successfully remonstrated with then president Suharto and were granted a protected-by-law ancestral domain in 1968 that was even marked by poles in 1985. The Baduy argued that they had always helped to promote peace in the West Javanese polities. In his turn, the king had always protected the Baduy area and respected their traditions. (Van Zanten, 1995: 518; Hisyam, 2003) This policy towards the Baduy has been maintained in democratic Indonesia, as Regional Regulation of the Lebak District, No 32 Year 2001 on the Protection of the Tanah Ulayat of the Baduy community<sup>16</sup> refers to the domain as a protected-by-law-zone. Lebak District Head Decree Nr 590/Kep.233/Huk/2002 finally set out the parameters: the ancestral domain occupies exactly 12,435 acres (5000ha or 50 km<sup>2</sup>), and it consists of about 3000 ha forest sanctuary in the central and southern part of the area, which is called by the Baduy the forbidden woods or *hutan tutupan* and 2,136,58 ha arable land and settlements.

Today, the protected-by-law ancestral domain gives the Baduy some important rights among others management, self-governance and jurisdiction rights. They have the power to own, manage, and regulate soil, water, and natural resources within their ancestral domain. Yet, the Baduy constantly grapple with the penetration and illegal occupation of parts of their ancestral domain through non-Baduy settlers. Today, there are regular reports in national and regional newspapers that the Baduy protest

the penetration and illegal occupation of parts of their ancestral domain. In consequence, traditional authority also sets zoning controls, as they established several groups of men, mostly inner Baduy, who control the territory to secure their borders on a regular shift. Those zoning controls exactly know the parameters and the vegetation of the territory. Whenever they discover illegal lodging or alterations to the soil, the infringement will be reported to the police, while the Baduy will investigate into the incident by asking for information and surveying the encircling villages in search of the lodge or the offender.

Despite the already stated opening to the outside (for example tourists), there are four crucial prohibitions: Non-Indonesians are forbidden to enter the core area, there shall be no modern schools, no mosques, and no irrigated fields. When entering the ancestral domain, tourists must report and register with the formal village headman, Jaro Dainah, and read and obey subsequently listed rules.

### ***The Baduy as Centre/Core of the World and cosmic order***

The Baduy are the only group in Banten, which only peripherally accommodates elements of the great traditions into their local culture and until today adheres to a traditional faith (*Sunda Wiwitan*). In Baduy cosmogony, our world took shape around the navel of the world located at their megalithic sanctuary *Sasaka Pusaka Buana*. After the creation of the world, the apical ancestor, the first human has been created at *Sasaka Pusaka Buana*, of whom the inner adat leadership ranks claim a direct patrilineal line of descent. They claim that their ancestral domain is the centre of the

world, and thus the centre of leadership to the world (*pancer bumi*<sup>17</sup>); therefore they perceive themselves to be the first people on earth who must follow a strict set of rules to do a job to the benefit of community (*tapa*). As a result, each Baduy is always and everywhere obliged to protect ancestral tradition and dedicate the totality of their life as service to the entire world (*tapa*). (Hasyim 2003: 173) The Baduy position themselves and their ancestral domain as "*wiwitan polity*", the place of origin of all life and culture, and thus as living at and protecting the centre of the world. In their view, all human cultures originate from the Baduy, experience progress, and after they will be returned to their origin. The *negara*, that is the states, shall experience progress, but at the same time, the purity at the beginning of culture must be preserved. The Baduy state that they will not change their lifestyle and attitude, until the world will revert back into a *wiwitan polity*. In consequence they ask the Indonesian government to protect their approach to life from being disturbed by other people.

Therefore we suggest to depict the Baduy as consecrated community living in a cosmic polity (van Zanten 1995: 517; Tooker 1996) The Kanekes Baduy village shall be either considered as Sundanese *kabuyutan*, a sacred area where ancestral spirits are revered to balance worldly and spiritual means and to support the lowland sovereign; or as a mandala, referring in the Indonesian context to an analytical category denoting polities or places where religion is the central aspect of life. Every single prohibition is related to the divine or ancestral dimension. What is ordered by *pikukuh karuhun* is realized in ritual, and what is interdicted is realized in the prohibitions. Thus the basic obligation is to

think, speak and act in the proper way set out by the ancestors. In Baduy logic, basically, everything is forbidden, except that which is allowed (Hisyam 2003: 169). Their faith teaches them that humans are not allowed to search for pleasure excessively in this world and have to consider as sufficient what is found out in life. The life of the Baduy may be allegorized as a ritual to realize serenity in this world. An austere lifestyle, surrender to the single reality, eschewing luxury, and a modest orientation to life are core features of their consecrated lifestyle. Amongst others, their *pikukuh karuhun* sets out for them the obligations to

1. Live in *tapa* to protect the prosperity and safety of the centre of the earth and cosmos
2. Maintain the megalithic sanctuary *Sasaka Pusaka Buana*
3. Respect the ancestors and perform the rites
4. Mother the Queen and support the leaders
5. Perform the *Seba* Ceremony once a year
6. Perform and respect the *Ngalaksa* Adat Ceremony
7. Perpetuate and protect the *Kawalu* Adat month

Concerning the first obligation, the Baduy believe that their duty and responsibility is '*tapa*'. *Tapa* is meant here not in the sense of asceticism—as refraining from food, drink or sleep—but in the sense of doing a job for the benefit of the public. This task has been divided by the Baduy into two. The inner Baduy live in *tapa* by isolating themselves in a sacral place and maintaining the original condition of nature to guard the balance of nature's functions and benefit for the prosperity

and life balance of all humanity, whilst the outer Baduy have the duty to protect those people, who currently live in *tapa* (Hisyam, 2003: 149; Kurnia, 2010: 25; Ulumi Interview 2011). In their historical narrative, the Baduy differentiate between the obligation entrusted upon the Baduy community and the tasks entrusted upon of the rest of humanity, thereby they ascribe different mandates, roles and duties. Whereas the Baduy are obliged to perpetuate the ancestral mandate and to obey to the strict rules of *pikukuh karuhun* (tradition bestowed upon them by their ancestors), their younger brethren were tasked to troop together and populate the world (Kurnia, 2010: 23–24).

As indicated above, with reference to the second and third obligation, the ancestral domain reflects the basic pattern of a spatially and socially contextually coded cosmic polity. *Sasaka Pusaka Buana* takes the place of the centre in the Baduy cosmic polity. It is surrounded by the two rings of the Inner Baduy and the Outer Baduy settlement areas. As the centre of the world, *Sasaka Pusaka Buana* stands in a direct relation to the centre of the cosmos, which is the source of all cosmic power and thus the most sacred place. Within the Forbidden Forest, the megalithic sanctuary is the most exalted and sacred spot, which may not even be visited by all of the Baduy. Curious scholars and journalists who visited the place were sentenced by the adat tribunal. (Lukman, Interview 2011) Since it is this cosmic power, which keeps everything going in Baduy worldview, the maintenance of the sanctuary by the Baduy serves an indispensable function for the Sundanese way beyond the small group of Baduy. (Wessing 1977)

With reference to the fourth to seventh obligation, the Baduy continue to maintain close relations with the rulers of the north for hundreds of years. The climax of the sacred *Kawalu*<sup>18</sup> month will be the *Seba* Ceremony, during which appointed emissaries from the leadership ranks accompanied by appointed Baduy males visit the 'Ruler and the Leaders of the North' as has been described earlier. The *seba* is conducted in order to present the annual harvest to the ruler and leaders as a symbol of recognition, to inform them of upcoming natural disasters and to remember them to protect nature and humans. *Seba* takes place around the first of June, after the rice harvest. The Baduy have also always had the function of foretelling the future for the rulers. "When a Baduy delegation pays their annual respects to the rulers during the *seba* ceremony, they may foretell the future. It is said that President Suharto and some of his advisers have consulted the Baduy about their future". (Van Zanten, W. 1995: 517-518)

In the 1950s, the Baduy settlement has been renowned as a pilgrimage destination; farmers asked the Baduy for abundant harvests, entrepreneurs and politicians asked for "magical" assistance to run a successful enterprise or for traditional medicine. Every year, three *pu'un* (spiritual leaders) and their entourage climb the terraces of their megalithic sanctuary *Sasaka Pusaka Buana* and read the future from the growth of mosses or change the position of stones. Suria Saputra, an official of the newly established social affairs department, visited with a small entourage the Kanekes ancestral domain in 1950. In 1959 he published the book "Baduy", out of which we like to cite an extended passage here.

Reflecting the initial verbal sparring of his conversation with *pu'un Kais* of Cikeusik, Suputra notes in 1950: "I was cornered [by *pu'un Kais*]; I could not deflect *pu'un Kais* sentences, which were logical, insisting and daunting. Therefore I answered even more carefully, because my vis-a-vis could not be approached "softly", it seemed to me that weak sisters get laughed at." And exactly this impression gave us the Baduy leaders we met.

*Pu'un Kais*: "What is your actual intent, do you want to be rich?"

Suputra: "No. Wealthy people worry in these times, because much property is robbed and arsoned."

*Pu'un Kais*: "Do you want to become invulnerable (*kulit kebal*)?"

Suputra: "No. Invulnerable humans usually will be challenged by people. Once chopped, one is invulnerable, the second time there may be no wound, but the next time, one will fall too."

*Pu'un Kais*: "Do you want to become a leader in order to be respected and revered by man?"

Suputra: "No. A leader who has not the "leader's blood", acts only temporarily. A leader, who is appointed by many people, will be brought down by many people."

*Pu'un Kais*: "Do you want to clear land to open wet rice field here? Like the people (non-Baduy FF/AL) around us? Or do you want to build a water dam, as it has been the wish of the Dutch previously?"

Suputra: "At all times not. Located too far from my residence, wet rice fields will be useless to me. And I am not an irrigation staff."

Pu'un Kais: "If it is like that than you are most likely an investigator."

Sputra: "If I intend to be perfidious to the people here, Girang can see this himself. My neck is not wrapped with steel, whereas the Baduy's golok (*machete*) are long and sharp. Once chopped, my neck is severed."

Pu'un Kais: "We Sundanese people are not allowed to shed human blood." Pu'un Kais then thought for a while, smiled and stated: "Indeed, the clever ones fly, wait for them to descent; the invulnerable ones, wait for their tenderness; the smart diver, wait for his surfacing/emergence; the hothead, wait for him to faint. Humans remain humans, with soft meat and brittle bones, their place is the earth crust. Our ways are to be invulnerable not impressed (*kebal kulit tak berbekas*), and strong without cause"<sup>19</sup>.

Indonesians talk about the magical powers of the Baduy (Interview Ulumi 2011), and on base of our interviews, we agree with van Zanten (1995: 521) who suspects that some Baduy might make use of this to generate income. Often Indonesians (especially local and national politicians, artists and business people) conduct a pilgrimage to the *pu'un* in the inner hamlets, to ask for success, wealth, children and the like. The *pu'un* and the white shaman (*tangkesan*) can give those people several "magical objects" in order to help them attaining their aims – however, the Baduy do not ask for a certain amount, they will ask the applicant for a return revenue they consider to be fitting.

In conclusion, the inner Baduy can be seen as representatives or original heirs of ancestral culture and the ancestral mandate, in the sense

that they consistently live by it and isolate themselves from those modern influences, they consider to have a negative impact on their society. (Kurnia 2010: 27) Indeed, the inner group resists modern lifestyle and achievements and follows the ancestral provisions of the *pikukuh karuhun* (ancestral tradition) very closely, whereas the outer Baduy are more lenient in rule compliance and several rules are softened for them. We shall adduce one of their core rules:

What is long may not be cut short, what is short may not be lengthened. The mountains may not be destroyed, the valleys may not be damaged. In case of preying/collecting or felling it has to be the exact amount, in case of cutting it has to be the appropriate size, in case of exfoliating it has to be the exact amount, deviance/wrong shall be declared deviant/wrong, and correctness/truth shall be declared correct/right, deceit and flam may not be allowed (Kurnia, 2010: 24).

### ***Inner Core and Outer Ring***

The Baduy are divided into two separated, yet close interrelated kinship groups and hamlets:

1. The Inner Baduy
2. The Outer Baduy

The inner people live in the sacred core area of the ancestral domain; they inhabit three hamlets (*tangtu*) in the south-central part of the domain: Cikeusik, Cikartawana and Cibeo. Each of these three hamlets (and related custody hamlets in the outer zone) is controlled by one clan. The inner group represents the 'core' - the spatial and social centre - and constitutes



the traditional leadership ranks of the Baduy community and followers of *Sunda Wiwitan* religion. In each inner *tangtu*, a pu'un (traditional leader) has the final decision in legal affairs. The leadership apex is held by the pu'un who resides in Cikeusik. The inner domain includes the megalithic sanctuaries Sasaka Pusaka Buana and Sasaka Domas, and the source of the Ciujung River in the south. The inner Baduy can be seen as the heirs of ancestral culture because they consistently follow ancestral provisions (*pikukuh karuhun*) and isolate themselves from modern influences.

The outer Baduy hamlets (*kampung, dangka*) surround the inner sacred core area like a ring to the north, the east, and the west. The outer Baduy are more lenient in rule compliance and several rules are softened for them. Therefore, the outer Baduy ring functions as a protective area for the inner Baduy core, because they filter socio-cultural change and link the ancestral domain to outside parties or the nation state. For example, official visits and contacts with outside parties are welcomed on outer Baduy area on behalf of the traditional leadership. Adat offenders are sent to and rehabilitated in one of the seven detention hamlets (*dangka*), and there are two additional 'satellite' hamlets, which are legally included into the ancestral domain: the hamlet Sangkanwangi, or Baduy Kompol, and the special 'Muslim' settlement area of Cicakal Girang.

There is mobility between the inner and outer group (for reasons of marriage or individual preference). Already Hoevell reports in 1845 (in Wessing, 1977) that outer Baduy can become inner Baduy. Then they must drop all their non-Baduy ways and submit completely

to the customs of the inner Baduy. When an outer Baduy feels strong enough to live as an inner Baduy, he can ask for permission to relocate into one of the hamlets within the inner zone. There is thus no element of force entailed in group affiliation. The atmosphere of the village and relationships between the inner and outer community are generally peaceful and the Baduy very seldom argue or fight (Saidam Interview 2011; Ayah Mursyid Interview 2011; Kurnia, 2010: 28–29).

The earliest quantitative data on the Baduy population date back to 1888 and give 291 people, a year later the number is 1407.<sup>30</sup> At the moment, the total number is said to be around 11,000 people. A consequence of the increasing population is the increase of land used for settlement, and the most frequent type of conflict is dispute over land. Despite the number of the hamlets classified as *tangtu* (inner hamlets) or *dangka* (detention hamlets) remained stable, the number of hamlets classified as outer *kampung* rose. In 1985, there were 3 inner and 27 outer hamlets, with a population number of 4,474. In 2000, there were 3 inner and 49 outer hamlets. The overall population numbered 7,317 people, of which 562 inhabited the inner area. In 2010 then, there were 3 inner hamlets, and 56 outer hamlets. The overall population numbered 11,172 people, with 1,170 people distributed in the inner area. In Cibeo live 553 persons, in Cikartawana 160, and in Cikeusik 451.

The place of residence is important to understand the Baduy kinship and social system. It determines an individual's position and status as an immediate descendent of the apical ancestor, and thereby the role an individual

can play as an actor in governance and social control. The relationship between leadership and followers is established by referring to both the oldest and the youngest genealogical line of descent in kinship terminology. Thereby an opposition is established in the kinship system between elder siblings and younger siblings, which structures the regulation of the socio-cultural life of the Baduy community.

### ***Leadership and governance: Tangtu telu jaro tujuh***

Baduy society is organized into patrilineal and virilocal lineages. All traditional authorities in religious, legal and political affairs are centred in the inner hamlets<sup>21</sup>. Traditional authority is based on the differentiation between the inner and the outer hamlets and on ascriptive criteria of membership in the patrilineal *pu'un* (traditional ruler apex) clans. Despite being part of the state administrative structure in the form of Kanekes Baduy village (*pamarentahan desa*), the daily life of the community is governed by the traditional governance of "Three inner hamlet and seven outer hamlet leaders" (*tangtu telu jaro tujuh*) which is based on ancestral tradition (*pikukuh karuhun*). Whereas the system as a whole has strong egalitarian aspects, at its core there is a stratified differentiation between rulers of the inner hamlets (3 *Pu'un*) and leaders of the outer hamlets (7 *Jaro Dangka*). Thus the practice of shared authority and separation of power based on genealogical and territorial relationships helps to avoid internal competition, which could lead to disunity or conflict between clans. (Kartawinata, 2009) This differentiation is of crucial importance, as outlined by Ayah Mursyid: (Kurnia, 2010: 93)

If the hierarchy or the traditional stratification is turned upside down, and what is below comes up, and what is up turns to the bottom, then the *wiwitan* law will be entirely in disorder, whereas the adat order has to be perpetuated according to function and status as clearly as it has been explained, this may not be added or reduced.

According to the Baduy binary code, geographical and social spaces are structured into outer and inner zones, and an opposition between older and younger siblings. The religio-political structure is based on an intricate network of interrelated inner and outer, older and younger leadership ranks. Divisions pertain only to settlement zones (*kampong, tangtu*), but these divisions are undergirded by strong kinship relations and networks. Despite the centre of adat leadership being located in the inner Baduy zone, traditional governance is in fact a combination of the inner and outer leadership circles. All leadership offices have their own distinctive terms and field of responsibility. Thus they have different areas of expertise and as a result, they are experts on distinctive fields of Baduy traditional knowledge. Inner leadership is only recruited from a small segment of the whole group: the three *pu'un* clans, because these clans inherit the traditional leadership line. In addition to this genealogical legitimating, prospective candidates for inner and outer leadership positions have also to demonstrate personal achievement, discipline, and spiritual maturity. Age has no influence on recruitment or appointment of leaders.

Leaders are selected based on four criteria: Kinship (pertaining to the inner group), personal achievement, foresight and appointment

through traditional consultation (*musyawarah*). The concrete selection of leaders follows a two-step process, in which firstly those clan members are chosen, who are considered to be endowed with the capabilities (knowledge, honesty, frugality) and personal achievement (their mental and spiritual level of maturity) to protect and safeguard their group. It may be that those candidates may refuse to be chosen and appointed, but then they will encounter misfortune or disease, thus eventually they will obey. A leadership rank is not accompanied with privileges, but is perceived as a burden: The leadership alone bears the shared responsibility to protect the group by empiric and non-empiric means. Then those chosen persons are taught all information and explanations related to the adat structure, the historical narrative of the ancestors, and their religion and all tribal secrets. This means, that knowledge is transmitted as arcane knowledge, known only to the chosen few. The position of the traditional rulers (*pu'un*), the inner hamlet headmen, and the shaman are hereditary, but if a retired *pu'un*, for example, has no male descendants, or those are incapable, the position will be inherited by his close relatives, like brother, cousin or nephew.

As in other Southeast Asian cases (Tooker 1996: 332–334), the political arena in Baduy society is divided into two spheres – internal affairs pertaining to adat and religious matters and external affairs pertaining to political matters. Analogously the function of social control in the ancestral domain is divided into two spheres – according to the strict Baduy binary code of inner – outer and elder – younger categories. The inner area is divided into three hamlets (*tangtu*), in each a traditional ruler, an

inner village headman, a shaman, and a *pikukuh* enforcement council are represented. The basic difference between the traditional rulers (*pu'un*) and the *tangtu* headmen (*jaro tangtu*) lies in the responsibilities of office, the *pu'un* takes care of internal affairs – the non-empiric world, ritual performance, ritual prescriptions, and adjudication<sup>22</sup>. As guardian of *pikukuh karuhun*, they continue and perpetuate the ancestral rules, communicate with the ancestral spirits, watch over value orientation and provide societal guidance to the Baduy. “Their word on matters of taboo and ritual is law.” (Kortschak, 2010) Normally they do not get involved with the more externally oriented decisions of the *tangtu* headman, who takes care of daily politics, rule enforcement and the conformity to group norms. Nevertheless, the *pu'un* has politico-legal responsibilities, because they watch over Baduy *pikukuh* as carried out by the villagers.

In each *tangtu*, one traditional ruler resides, who acts as head of internal affairs pertaining to adat and faith. This *pu'un* triumvirate constitutes the traditional leadership apex. Revered as threefold unity (*tri tunggal*), they act as the highest and most sacral rank of leaders in each *tangtu*, but also for the entire Kanekes Baduy Village. They are the medium through which communication with the ancestral spirits and thus proper fertility (people, food, nature) is channelled. For this reason, they are not allowed to leave the inner area. On village level, the internal – external differentiation accounts for a separation of powers, because they have their own duties and competencies assigned according to the seniority-juniority axis and spatial location.

The Cikeusik *pu'un*, who has the senior

genealogical line dating back the first born son of the apical ancestor (lineage *tangtu pada ageung*; Kurnia, 2010: 101), is the superior traditional ruler called *Girang Pu'un* and presides over religious, adat and supernatural affairs, in order to realize and defend the religious and cultural identity. The Cikartawana *pu'un* (lineage *tangtu kadukujang*) is positioned between internal and external affairs and functions as witness and counsellor in all matters. The youngest genealogical lineage (lineage *tangtu parahiang*) in Cibeo has a function comparable to a reeve or *land steward*, as they are responsible for land affairs - the Cibeo *pu'un* represents the final instance in Baduy decision-makings concerning external affairs, but the Cibeo headman acts on his behalf in daily business. The official duties distinguishing the *Girang Pu'un* from the other *pu'un* or the entire group is ministering the most important rituals, chairing traditional consultation and having the final decision in all, social, political, legal and religious matters. Besides this, the *Girang Pu'un* is not different to the other *pu'un*, likewise the *pu'un* are not distinct to other Baduy. They wear the same cloth, eat the same food and live in similarly styled house. There are three reasons to choose a new *pu'un*: First, his death or his wife's death, second disease or insanity, third incapability because of age. In case a *pu'un* cannot longer officiate due to age or illness, he will suspend his office. There is no case recorded, in which a *pu'un* refused to leave his office for reasons of health. If he cannot govern anymore, he will self consciously suspend his office.

The *pu'un* triumvirate is assisted by other leadership offices in their function of social control pertaining to external affairs. The

executive council of each individual *tangtu* has executive, legislative and juridical authority in their area. It is constituted by the Secretary of Land and Foreign Affairs (*Seurat Girang*), the inner hamlet headman (*jaro tangtu*), the shaman and counsellor (*tangkesan*), and the *pikukuh* enforcement council (*baresan*). Appointed and led by the *pu'un* triumvirate, the *kajaroan* system of "three inner and seven outer hamlet leaders" executes the function of social control in traditional external affairs pertaining to the entire ancestral domain and the traditional Baduy delict code. The Adat Village Headman (*Jaro Tanguungan Duawelas*) coordinates all intra *wiwitan* polity issues, whereas the position of the Village Head (*Jaro Pamarentahan*) constitutes the link to the national government. There are at all twelve local headmen in the *wiwitan* polity: three *jaro tangtu*, seven *jaro dangka*, one *Jaro Tanguungan Duawelas*, and one *Jaro Pamarentahan*.

The Secretary of Land and Foreign Affairs (*Seurat Girang*) acts as personal assistant to each *pu'un*. They have a legal function in the executive council and adat tribunals and in the *pikukuh* enforcement council. The *jaro tangtu* directly assists the *seurang* and *pu'un*, as he ranks second after the *pu'un*'s office. It is an executive office, as all *jaro tangtu* are seen as field officials and the caretakers of the daily business of the *pu'un* institution. They function as supervisor of norm conformity and rule compliance in their *tangtu*, as mediator in disputes, represent the *pu'un* together with the *Seurat Girang* in "international affairs" as they regularly meet official visitors (the *Pu'un* do not leave the inner area). In each *tangtu*, the *tangkesan* office is the highest available in internal non-empiric matters. They are shamans

and counsellors to each *pu'un*, who function as seers, healers, educated magicians, and theurgists. Even though the office concerns the inner villages, both inner Baduy and outer Baduy men may hold the office. As advisors to the *pu'un* or to the *jaro dangka*, they help the *pu'un* in legal and supernatural affairs, when non-empiric elements are involved, which is in adat logic commonly the case. They act as medium to search divine intuition (*wangsit*). They are said to see the condition of someone from far or to know somebody's fate with their inner eye (*tilikan*), thus they may find a rule violators by intuition. They act as Chief-shamans, who protect the *wiwitan* polity with magic means, experts in traditional medicine, sick-nursing, healing arts, magic, spells (mantras, witchcraft), and fortune prediction. They participate in determining a future *pu'un* and other leaders by foretelling them. They also participate in all rituals, including the judicial rituals of *serah pati* and the adat oath, and in the adat tribunals, as they function as witnesses.

In each *tangtu*, a *pikukuh* enforcement council (*baresankolot*, council of elders) performs as advisory council and police. Members are the *jaro tangtu*, the *seurat* and other respected personalities. The function of the *baresan* is to help the *pu'un* and the *jaro tangtu* to solve problems by traditional consultation and enforce the *pikukuh* as police. They are some kind of police, as prior to the performance of the sacral month *Kawalu*, the *baresan* conduct a security sweeping in the inner villages and the outer circle, searching for prohibited items which they confiscate. They also fine the owner. Only after they signalled the *pu'un*, that the village is free from prohibited items, the *panyapuan* ritual is held, which purifies the entire

ancestral domain from negative impacts as deviance in order to restore peace.

The *pu'un* appoints one inner or outer Baduy man as adat village headman (*jaro tanggunganduawelas*), who presides in the outer hamlets and is in charge of controlling and supervising all the other 11 *jaros*. He is in absolute charge as the highest controller, as he coordinates all information from the other headmen and channels those to the *pu'un* triumvirate. He acts as advisor to the seven *jaro dangka* and as witness to the accomplishment of their tasks. In the outer zone, seven *jarodangka* supervise seven custody hamlets (*dangka*). They execute the policies and decisions of the *pu'un* and control norm conformity and rule compliance for Baduy and non-Baduy alike. Reminding the function of the *dangka* as custody centres for inner rule-violators, they act as social workers or therapists/counsellors, because they educate and give therapy to rule-violators. As helping the offender to become aware of their situation, and redirecting them to the values of the communal body is their task, reintegration of rule-violators is their responsibility. Additionally, the seven *jaro dangka* assist in the performance *panyapuan* ritual during which the village is purified from the imprints left by rule violations. In outer Baduy hamlets, the highest sacral office available, which is comparable to the three *jaro tangtu* and the seven *jaro dangka*, is the *kokolotan lembur*. In his office, the *kokolotan lembur* is the *pu'un*s representative and tasked to execute the provisions of the *Pu'un* and to control and supervise the rule compliance of the respective hamlet.

The *jaro pamarentahan* (national village

headman) connects Baduy society to the Indonesian state, as it is the national and formal Kanekes Baduy Village government office (*lurah*). However, in the traditional government structure this office is regarded as to be located at the lowest level (Interview Ayah Mursyid January 2011). He participates in all meetings held by the regional government, and informs the *pu'un* triumvirate on the results of those meetings. Likewise, the government calls upon the *jaro pamarentahan*, if they need to communicate with the *pu'un*. The *jaro pamarentahan* is responsible for criminal acts that cannot be solved internally, because they involve the national legal code. Since twelve years the office is held by Dainah and this long period of office is contested within the Baduy community, because he should have been replaced two years ago, but the traditional leadership has not appointed a new office keeper (Interview Asep Kurnia, Ayah Mursyid and Saidam January and February 2011).

#### IV. Conclusion: The Position of The Baduy in Indonesian Society

According to Baduy self-perception, their ancestors gave them the mandate to act as guardians of the forest, irrigation sources, the soil, and at the same time to be responsible for the destiny of the world. Their forbidden forest sanctuary is said to be the backbone of the water and natural resources and island of Java and they are the guardians tasked to protect and fulfill crucial maintenance rituals in isolation from the modern world<sup>23</sup>. Thus explained, the Baduy are hold to be the guardians of the Sundanese and Bantenese, probably Javanese, natural resources, biodiversity reservoirs, and carbon sink. According to Baduy self-perception,

their arduous mandate has been divided into two tasks; the inner Baduy do a job for the benefit of the public ("*bertapa*") in the *wiwitan*, whilst the outer Baduy have the duty to protect the people currently "*bertapa*". In contrast, the descendants or the ethnic groups of other nations have the duty to populate, develop and build nations (*bangsa*), states (*negara*) and religions (*agama*) that have not been entrusted upon them by ancestral will. (Kurnia 2010: 25) Thus, in Loebis (2002) view, the Baduy live and pray for the rest of the world their whole lives and they ask only one thing in return: to be allowed to keep doing so.

This function explains why they continuously reinforce diplomatic bonds with the lowland rulers, and why even the modern democratic governments continue to reinforce those bonds and acknowledge the Baduy as one out of four indigenous groups throughout Indonesia. Among others, their particular function can be observed during local, regional and national elections, when modern educated politicians literally conduct pilgrimages to the *tanah ulayat* to meet the *pu'uns* in order to ask them for magical support in order to perform successful campaigns and to obtain majority votes (Interview Saidam 2011).

Besides their function as guardians of natural resources, fortunetellers, and magicians, they act as preservers of the archaic Sundanese adat on behalf of all people in the western part of Java. As the centre of the world, their megalithic sanctuary *Sasaka Domas* is considered to be the place, where the ancestor souls go. It stands therefore in a direct relation to the centre of the cosmos, which is the source of all cosmic power. To the Baduy, the ancestors are

Table 1 : Growth of Kanekes Baduy population (1888–2010)

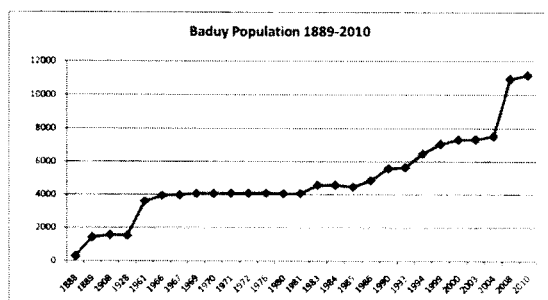
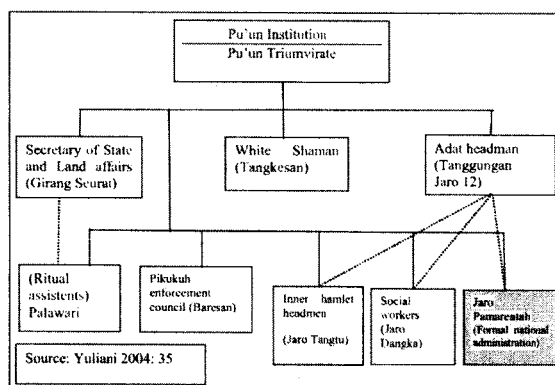


Table 2 : Structure of Traditional Government in Baduy.



the source of the adat which maintains the order emanating from the centre. Thus *Sasaka Domas* is the abode of the ancestors and the Divine, and it serves as the centre from where cosmic power is distributed gradually throughout the Baduy ancestral domain and probably, at least in the eyes of the Sundanese, throughout West Java (Wessing: 1977: 298). *Sasaka Domas* is thus the point of infusion of cosmic potency (Tooker 1996) to the empiric world and the point, where tapping into this potency is possible and even necessary to maintain cosmic and social order. Since it is this cosmic power, Wessing (1977: 300) speculates, which keeps everything going, the maintenance of *Sasaka Domas* by the Baduy serves an indispensable function for the Sundanese.

Thus, concerning the status of the Baduy in the context of the Indonesian society, it may be argued, that the Baduy fulfil an important psychological function as a compass or guide to behaviour (*padoman*) to the Sundanese custom and tradition. As Geise (1952: 13 in Wessing 1977: 300) points out, the Baduy are appreciated by Muslims and are even seen as indispensable in religious affairs. Geise (in Wessing 1977: 300) assumes that it may be that by adopting Islamic elements in their faith the Baduy are acknowledging this mutual relation with the

rest of the Sundanese. This fact may explain why they are highly respected by all ethnic groups in Java.

Under the *tanah ulayat*, the Baduy govern their ancestral domain economically independent and somehow politically 'free'. Under the condition of semi-autonomy (since 1968), the Baduy have been able to govern their ancestral domain in the mountains and establish new settlement-units. The traditional governance system relies on the adherence to and performance of Baduy ancestral practices (*pikukuh karuhun*) that simultaneously reflect and constitute Baduy (and Sundanese) ethnic identity. In consequence, Baduy identity is linked to the unified, continuous territory produced at the village level.

The ancestral domain is governed by a dual political system: the *wiwitan* polity organized as "*tangtu telu jaro tujuh*" (Three inner hamlet and seven outer hamlet leaders) that enforces the *pikukuh karuhun* and the formal system of the Kanekes Baduy village (*pamarentahan desa*) at the lowest administrative level of the national government. The ancestral domain is

incorporated into the Indonesian state both by regional and national law and by the annual *seba* ritual held to enforce diplomatic bonds with the political system of the North (Lebak, Banten, and Indonesia). Certainly, the modern village government system (*pamarentahan desa*) and national social welfare programs also influence their life. But this role of the government institutions functions merely as a link with the Indonesian nation state, whereas the daily life of the community is governed by the control of the adat government.

## Notes

<sup>1</sup> The present paper is the result of joint research of Ferry Fathurokhman as a piece-work of research of master thesis, and the Project Group on Genesis, Structure, and Mechanisms of Systems of Violent Social Control at the Peace Research Institute Frankfurt. Research has been partially financed by a grant from the Deutsche Forschungs-Gemeinschaft. A short version of this article was presented at Southeast Asia Update 3, held by the van Vollenhoven Institute, in Leiden on 24 June 2011.

<sup>2</sup> It has long been a matter of discussion how the group came to be called Baduy; the consensus seems that the name Baduy was given to them by their Muslim neighbours or Dutch colonizers as a derogatory epithet. The Baduy themselves do not use terms as inner Baduy or outer Baduy (Kurnia, 2010: 16). The following text uses the term Baduy, when we speak of the group or the domain as a whole, and the terms inner Baduy or outer Baduy as analytical categories, if we refer to the group settling in the core area or to the group inhabiting the protective ring around the inner core.

<sup>3</sup> *Tanah ulayat* has been translated as tribal

lands, but we will use the term ancestral domain instead. The term ancestral domain is not a common international reference, but denotes the "territory, economic resources, and governance of minority ethnic groups and indigenous peoples". (Tuminez 2005: 1, 3), "Domain" is interpreted here to mean not only land, but also rivers, creeks, seas, mountains, and hills, forests and natural wealth contained therein, including wild game.

<sup>4</sup> According to Sumardjani (2007: 232), a social group in Indonesia needs to meet five standards to be classified as an adat (customary legal system) law community: 1. It constitutes a community; 2. It has an homeland, where the group lives; 3. Clear Rules and Law exist; 4. The cultural or economic condition is unique and differs from other groups; 5. They originate from the same descent or tribe.

<sup>5</sup> In adat law, there is no differentiation between civil and public law along European conceptions. Baduy substantive adat law defines delicts and sanctions as well as civil adat obligations and rights. The singular comprehensive work on their legal code is Fathurokhman's work (2010): "*Hukum Pidana Adat Baduy dan Relevansinya dalam Pembaharuan Hukum Pidana*". Unpublished Master Thesis. Universitas Diponegoro: Semarang.

<sup>6</sup> '*Wiwitan*' denotes the mandate or obligation bestowed upon the Baduy group by their ancestors referring to the situation of origin, which may not be changed. The '*wiwitan* polity' denotes here the traditional governance system of the Baduy that has the purpose of perpetuating the situation of origin for religious reasons.

<sup>7</sup> Interview with Jaro Sami, headman of Cibeo, February 2011.

<sup>8</sup> The term adat in the Indonesian language denotes custom and tradition, or socio-politico-legal orders. With reference to the plurality of adat orders, Hooker (1978) speaks rightly of



adats instead of adat; we will follow Hooker here in speaking of adats or adat systems. The '*Pikukuh Adat*' as the Baduy traditional law system binds and unites the Baduy people as a jural community. Of the 19 law areas outlined by van Vollenhoven in 1918, Jakarta Raya, Banten, Priangan, Cirebon, and the Kanekes settlement belong to the 19<sup>th</sup> law area of Western Java.

<sup>9</sup> Kreuzer 2009, 2010, 2011, in: [www.hsfk.de](http://www.hsfk.de).

<sup>10</sup> Adelaar 2005; Bellwood 1996.

<sup>11</sup> Certainly, we are aware of two main Indo Melanesian cultural characteristics: First there is significant cultural diversity as there are prehistoric pluriform local legal traditions. Thus is it questionable whether one might construct a proto type at all, however, "in many ways, tribal societies provide the prototype of communal social life". (Horwitz 1984)

<sup>12</sup> A common form of discussion in the ethnographic study of law centers on the question of the binding force of rights and obligations and the interpretation of this binding force in terms of sanction. (Hooker 1978: 145-147) It has been Radcliffe-Brown, who held, that "law" consists of social control through the systematic application of the force in a politically organized society; the force which constitutes this sanction is legal when imposed by some constituted authority. Later authors have drawn from this the proposition that social control may be analyzed into a set of binding rights and obligations and, under the influence of Malinowski, have stressed the positive aspects and variety of forms of sanctions. This involves a study of those institutions which fulfill the function of maintaining order and stability, that is, which are the binding force. However, the undue emphasis upon penal sanctions tends to distort the reality on "rule of law versus the order of custom" (Hooker 1978: 147) as presented in ethnographic data.

<sup>13</sup> The inner and outer Baduy adat leadership ranks claim a direct patrilinear line of descend from the first human being created on earth

(*Adam Tunggal*). During our interviews, Jaro Sami and Ayah Mursyid spoke of *Adam Tunggal* as the first human being on earth. Earlier research however mentioned *Bhatara Tunggal*. As Landmann asked Jaro Sami whether it is *Adam* or *Bhatara Tunggal*, he insisted on *Adam Tunggal*. Since all human beings are regarded as the descendants of the six younger siblings of *Adam Tunggal*, all humans are considered to be the younger brethren of the Baduy. Whereas the Baduy are obliged to perpetuate the ancestral mandate, their younger brethren were tasked to troop together and populate the world (Kurnia 2010: 23-24), intending an outreach from the Indonesian archipelago to Middle East and presumably the American continent according to Baduy knowledge. (Interview with Jaro Sami, Jaro Pamerentahan Desa Cibeo, at 05.02.2010, in the house of Mr Asep Kurnia and his wife Eros Rosita) Logically, all sovereign leaders and the representatives of Indonesian democracy are considered to be the Baduy's younger brethren, who need to be advised and protected by the Baduy.

<sup>14</sup> In three localities in western Java are such complexes to be found, in Gunung Padang south of Cianjur, the island of Lebak Sibebug and Arca Domas (Bellwood, 1985: 300).

<sup>15</sup> From 1945 to 2000, the area of Banten was administratively included into the province of West Java. In 2000, the area of Banten split from West Java and formed a province. In Northern part of Banten, the population is mostly of Javanese origin and speaks Javanese, whereas in Southern part of Banten, the population is of Sundanese origin and speaks Sundanese.

<sup>16</sup> Following the exact measurement and mapping of the administrative area, special and natural borders by the National Land Agency, Regional Regulation 32/2001 has been strengthened by Lebak District Head Decree Nr 590/Kep.233/Huk/2002 on Enactment of Detailed Borders of the *Tanah Ulayat* of the

Baduy Community.

- <sup>17</sup> *Pancer* denotes centre and leader. (Dananjaya 1980; Interview with Jaro Sami, February 2010) However, they certainly do not claim or strive for world leadership, but analogous to the external division in social and spatial affairs, they position themselves chosen ones protecting their siblings and friends.
- <sup>18</sup> The *Kawalu* month is initiated by the Baresan (*pikukuh* enforcement council) cleaning the village from prohibited items.
- <sup>19</sup> Suputra: 1959.
- <sup>20</sup> As the drastic increase cannot be explained by a high birth rate, it seems safe to look for other explanations: either villagers previously reluctant to be counted could be enlisted, or the community incorporated new members from outside.
- <sup>21</sup> Our references vary in their description of the leadership ranks; we systematize those approaches and rely heavily on Kurnia 2010, Helmy 2010, and Faturokhman 2010.
- <sup>22</sup> All minor delicts - regarded as not disturbing social and cosmic balance - can be settled by the *jaro tangtu*, who acts as executive field official in rule enforcement. As a serious delict disturbs cosmic and social balance, the non-empiric world, the ancestors, must be informed that a sanction has been imposed during adjudicatory process capable to restore order. Only the *pu'un* and the shaman know how to communicate with the ancestors. Thus, whereas rule enforcement refers to the worldly process of controlling behaviour in the community, only adjudication and sanctioning involves the non-empiric dimension.
- <sup>23</sup> They guard the source of the Ciujung River located in their sacred forest for the Sundanese and Bantenese people, who depend on this river for irrigating their wet-rice fields. The Ciujung River and its many brooks constitute the primary water resource of the provinces Banten and Sunda - and in view of the Baduy, the entire island of Java.

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